

*Samuel Barrow v.
Terminix International Company, L.P., et al*

*Katrina Helmkamp
November 03, 2009*


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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SAMUEL BARROW,

Plaintiff,

vs

File No. 3:07 CV 0324

TERMINIX INTERNATIONAL
COMPANY, L.P., and GEORGE
VENTURELLA,

Defendants.

/

The videotaped deposition of KATRINA HELMKAMP, taken
before Karyn S. Schultz, CSR-4269, Certified Shorthand
Reporter and Notary Public, at 211 Hilltop Road, St.
Joseph, Michigan, on the 3rd of November, 2009,
commencing at 2:09 p.m., pursuant to notice.

APPEARANCES:

FOR THE PLAINTIFF:

MR. DAVID G. TORCHIA
Tobias, Kraus & Torchia
911 Mercantile Library Bldg.
414 Walnut Street
Cincinnati, Ohio 45202

FOR THE DEFENDANT:

MR. THOMAS M. L. METZGER
Littler Mendelson
21 East State Street, Ste. 1600
Columbus, Ohio 43215

ALSO PRESENT:

RICHARD JOHNSON, Videographer
DAVID GRUMBINE

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EXHIBITS

(Marked in previous depositions, referenced today).

Plaintiff's Exhibit 7 - 7-15-05 Letter
Plaintiff's Exhibit 8 - 7-19-05 Letter
Plaintiff's Exhibit 10 - 7-21-05 Letter
Plaintiff's Exhibit 11 - 7-25-05 Letter

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P R O C E E D I N G S

THE VIDEOGRAPHER: Let the record reflect that we are here to take the videotaped deposition of Katrina Helmkamp in the matter of Samuel Barrow versus Terminix International Company, L.P., and George Venturella, Defendants, in the U.S. District Court for the Southern District of Ohio, Western Division. Today is Tuesday, November 3rd, 2009. The time is 2:09 p.m. We are located at 211 Hilltop Road, St. Joseph, Michigan.

Would counsel identify themselves for the record, please?

MR. METZGER: I am Tom Metzger with Littler Mendelson, here on behalf of Terminix and George Venturella, the Defendants in this matter.

MR. TORCHIA: I am David Torchia here on behalf of the Plaintiff, Sam Barrow.

THE VIDEOGRAPHER: Would the court reporter please swear in the witness?

KATRINA HELMKAMP,
the witness herein, having been first duly sworn, was examined and testified as follows:

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1 EXAMINATION

2 BY MR. METZGER:

3 Q Good afternoon.

4 A Good afternoon.

5 Q Can you please introduce yourself to the Jury and the
6 Court and state your full name?

7 A Sure. My name is this Katrina Helmkamp. And I have a
8 permanent residence at 2315 Poplar Avenue in Evanston,
9 Illinois, 60201.

10 Q And may I call you Ms. Helmkamp?

11 A Yes.

12 Q Very good. Where do you currently work?

13 A I work at Whirlpool Corporation.

14 Q And how long have you worked with Whirlpool?

15 A I joined Whirlpool October of 2007.

16 Q And with Whirlpool where are you based?

17 A I'm based in Benton Harbor, Michigan.

18 Q Ms. Helmkamp, were you at one time employed with
19 Terminix?

20 A Yes, I was.

21 Q When did you start working with Terminix?

22 A I started at Terminix in January of 2005.

23 Q What position were you hired into at Terminix?

24 A I joined as president of Terminix.

25 Q And how long were you the president of Terminix?

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1 A I was president of Terminix until, it would have been
2 November or December of 2006, when I was promoted to a
3 group president role within ServiceMaster. And then I
4 was responsible for Terminix and the two TruGreen
5 companies.

6 Q And how long did you remain with Terminix and
7 ServiceMaster?

8 A I left ServiceMaster in August of 2007.

9 Q And so you served as president of Terminix, and in other
10 roles, for approximately two-and-a-half years, is that
11 correct?

12 A Yes, in total with ServiceMaster, that's right.

13 Q As president of Terminix where were you based?

14 A I was based in Memphis.

15 Q And why was the office in Memphis?

16 A Where was it?

17 Q Why was it?

18 A Why was it. Oh, because all of the operations were based
19 in Memphis, Tennessee.

20 Q And can you briefly explain to the Jury and to the Court
21 what were your responsibilities as president of the
22 company?

23 A At a high level, I had responsibility for both growth of
24 the overall business, but also improvement in
25 profitability. Had responsibility for all of our service

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1 lines, both pest control and termite. Had responsibility
2 over what at the time were more than 300 company owned
3 branches, and about two million customers across both the
4 pest and termite customers, and about 10,000 associates.

5 Q And that anticipates some of my questions about the size
6 of the company. You say that there were approximately
7 10,000 employees with the company?

8 A Yes, that's right.

9 Q Over what area? Was that just within the United States
10 or worldwide?

11 A That was over all of Terminix. But Terminix was very
12 heavily concentrated in the U.S. We had a few employees
13 in Mexico. And then we had a few franchisees outside of
14 U.S. and Mexico.

15 Q And with respect to the branches, approximately how many
16 branches were there with Terminix at the time that you
17 were president of the company?

18 A When I first joined in 2005, there were something a
19 little over 300 branches. I believe it was closer to 400
20 locations by the time I moved into my next role in
21 ServiceMaster.

22 Q And did you oversee this entire operation as president of
23 Terminix?

24 A Yes, I did.

25 Q As president of Terminix, did you also have a variety of

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1 individuals reporting to you?

2 A Yes. When I joined as president of Terminix, I had ten
3 direct reports plus my administrative assistant.

4 Q What types of positions were reporting directly to you as
5 president?

6 A Okay. I had three people who were in operating roles.
7 The chief operating officer was Tom Brackett. I had
8 Wayne Golden who was the head of our commercial pest
9 control business. I had Lou Rossi who was in charge of
10 our new business development and acquisitions. And then
11 I had heads of the various functional areas. I had chief
12 financial officer, Steve Howard. I had chief marketing
13 officer, Steve Good. I had head of HR, who was initially
14 Bill Young, and then became Arlen Small in that head of
15 HR role, approximately February of '05. And then I had a
16 chief information officer, Lee Crump. I had two
17 co-counsels, Terry Wheel and Steve Carter. And I had
18 someone in charge of government affairs who was
19 Norm Goldenberg.

20 Q And at the more local level, were there branch managers
21 over the 300 plus branches or service centers?

22 A Yes. There was a branch manager in charge of each of the
23 branches.

24 Q Also at the local level, would there be service techs and
25 sales representatives?

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1 A Yes. Within each branch, we had service techs, both pest
2 control and termite control service techs, and then we
3 also had sales reps, and a few admin people.

4 Q Did those individuals, such as the service techs, go into
5 customers' homes and businesses to perform services on
6 behalf of the company?

7 A Yes. The service techs and the sales representatives had
8 occasion to go into consumers' homes or business
9 customers' places the business.

10 Q Did Terminix conduct background checks on these
11 individuals who were performing those services for the
12 customers of the company?

13 A Terminix conducted background checks. Those were
14 criminal background checks, those were moving vehicle
15 checks, as well as drug tests. And that was not just
16 Terminix, that was ServiceMaster policy. So that really
17 applied to all of the ServiceMaster business units.

18 Q As president of Terminix, did you believe it was
19 important to conduct those background checks?

20 A Yes. We viewed it as a point of competitive
21 differentiation. And that was why ServiceMaster, as the
22 parent company, had chosen to do that. We were able to
23 tell our consumers that anyone who would be in their home
24 had had a drug test, had been background checked. If
25 they were driving a company vehicle, they had had moving

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1 vehicle checks. And we thought that was an important
2 thing that we could offer our consumers. Not all of our
3 competitors did that.

4 Q When you were hired by Terminix, did you go through a
5 criminal background check?

6 A Yes, I did. I went through all three of those, the drug
7 test, the criminal background check, and the moving
8 vehicle record check.

9 Q As president of the company, were you ever aware of any
10 exception to the requirement that individuals who were to
11 be employed by the company as a full-time employee go
12 through that full background check process?

13 A No, there would not have been exceptions to that.

14 Q Samuel Barrow has sued Terminix, as well as an individual
15 by the name of George Venturella in this matter. During
16 the time that you were employed with Terminix, did you
17 ever meet Mr. Barrow?

18 A No, I did not.

19 Q Have you ever met Mr. Barrow at any time?

20 A No.

21 Q While you were at Terminix, did you ever hear that
22 Mr. Barrow had applied for a position with the company?

23 A No, I did not.

24 Q Mr. Barrow allegedly sent some letters to the company.

25 And I'm going to show you these documents as previously

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1 marked by the Plaintiff. The first is Plaintiff Exhibit
2 Number 7, dated July 15, 2005. And I will ask that you
3 review that letter.

4 Have you had an opportunity to review that?

5 A Yes, I did.

6 Q Your name is on the letter, on the bottom indicating that
7 you were copied. Do you see that?

8 A Yes, I do.

9 Q First of all, do you see any address to where this letter
10 was allegedly sent?

11 A No, there is no address.

12 Q Do you see any e-mail address?

13 A No.

14 Q If this letter was sent, is there anything to indicate
15 how it was sent?

16 A No, there is not.

17 Q Does it indicate where Mr. Barrow is?

18 A No, there is no address for him.

19 Q Did you ever see that letter while you were employed at
20 Terminix?

21 A No, I did not.

22 Q Did you ever discuss that letter or its contents with
23 anyone while you were at Terminix?

24 A No.

25 Q Mr. Ward's name is on the letter, Jonathan Ward.

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1 A Um-hmm.

2 Q Who is he?

3 A He was the CEO of ServiceMaster.

4 Q And, again, what is ServiceMaster as it relates to
5 Terminix?

6 A ServiceMaster is the parent company. And then within
7 ServiceMaster, there are a number of business units. At
8 the time Terminix, two TruGreen companies, Merry Maids,
9 et cetera.

10 Q Did you ever discuss Mr. Barrow with Jonathan Ward at any
11 time while you were employed with the company?

12 A No.

13 Q Did Mr. Ward ever indicate to you that he had received
14 any letters or communication from Mr. Barrow?

15 MR. TORCHIA: Objection. Hearsay.

16 A No, he did not.

17 Q (BY MR. METZGER) Ernest Mrozek, his name is on there.
18 Who is he?

19 A Ernie Mrozek at various points in his career was CFO and
20 COO, chief operating officer, for ServiceMaster. I don't
21 remember what his position was, whether it was chief
22 financial officer or chief operating officer at this
23 point in time, July of 2005. But he would have been
24 reporting directly to John Ward.

25 Q Did you ever discuss Mr. Barrow or any alleged letter

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1 with Mr. Mrozek at any time when you were employed with
2 the company?

3 A No.

4 Q And there is one other name on the letter, James Goetz.
5 Who is he?

6 A Jim Goetz was the CIO, the chief information officer, in
7 charge of IT, again for all of ServiceMaster. So he was
8 reporting directly to John Ward.

9 Q And did you ever discuss Mr. Barrow or any alleged letter
10 that Mr. Barrow may have sent with Mr. Goetz at any time
11 that you were employed with the company?

12 A No, I did not.

13 Q Let me also show you Plaintiff's Exhibit Number 8, which
14 is a letter dated July 19, 2005. Please take a moment to
15 review that.

16 A Okay.

17 Q Again, do you see any address or any indication as to how
18 this may have been sent?

19 A No, I do not.

20 Q Did you ever see this letter while you were at Terminix?

21 A No.

22 Q Did you ever discuss this letter or its contents with
23 anyone while you were at Terminix?

24 A No.

25 Q Or with ServiceMaster whatsoever?

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1 A No.

2 Q Plaintiff's Exhibit Number 10 is a letter dated July 21,
3 2005. Please take a moment to review that.

4 A Okay.

5 Q Did you ever see that letter while you were at Terminix
6 or ServiceMaster?

7 A No.

8 Q Did you ever discuss that letter or its contents with
9 anyone while you were at Terminix or ServiceMaster?

10 A No.

11 Q Plaintiff's Exhibit Number 11 is a letter that allegedly
12 was written on July 25, 2005. Please take a moment to
13 review that letter.

14 A Okay.

15 Q Did you ever see that letter while you were at Terminix
16 or ServiceMaster?

17 A No.

18 Q Did you ever discuss that letter or its contents with
19 anybody at Terminix or ServiceMaster while you were
20 employed there?

21 A No.

22 Q There is another name that shows up at the bottom of this
23 alleged letter. Do you know who that is referring to?
24 It starts with George.

25 A No. It says, George Ventureus, branch manager.

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1 Q Did you ever see any letter that Mr. Barrow had allegedly
2 sent directly into the company during the time that you
3 were with Terminix or with ServiceMaster?

4 A No.

5 Q By the way, did Mr. Barrow ever call you?

6 A No, he did not.

7 Q Did Mr. Barrow ever e-mail you?

8 A No.

9 Q Did Mr. Barrow ever send you a facsimile or a fax?

10 A No.

11 Q Did he ever send you a certified letter?

12 A No.

13 Q Did Mr. Barrow ever send you any letter by Express Mail
14 or by Federal Express?

15 A No.

16 Q Now, George Venturella was working at the Dayton location
17 of Terminix in 2005. While you were with Terminix or
18 ServiceMaster, did you ever discuss Mr. Barrow with
19 Mr. Venturella?

20 A No.

21 Q Did Mr. Venturella ever indicate to you that he had
22 received letters from Mr. Barrow?

23 MR. TORCHIA: Objection.

24 A No, he did not.

25 Q (BY MR. METZGER) While you were with Terminix and

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1 ServiceMaster, did you ever discuss Mr. Barrow with a
2 Mr. Nathan Caulfield?

3 A No.

4 Q While you were with Terminix and ServiceMaster, did you
5 ever discuss Mr. Barrow with a Mr. Bobby Lowe?

6 A No.

7 Q Do you know who Matt Maher is?

8 A I do remember Matt Maher. He was one of the regional
9 human resources, HR people for Terminix.

10 Q And during the time that you were with Terminix and
11 ServiceMaster, did you ever discuss Mr. Barrow with
12 Mr. Maher?

13 A No.

14 Q While you were at Terminix and ServiceMaster, did you
15 have any meetings or conferences regarding Mr. Barrow?

16 A No.

17 Q Have you ever had a conversation with a person by the
18 name of Doug Rix regarding Samuel Barrow?

19 A No.

20 Q Have you ever had a conversation with Doug Rix at all?

21 A No.

22 Q Have you ever met him?

23 A No.

24 Q There are accusations that you were speaking about
25 Mr. Barrow while in a bar in Dayton, Ohio in 2007. Now,

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1 let's discuss that briefly. Were you in a bar in Dayton,
2 Ohio in the beginning of 2007?

3 A No, absolutely not.

4 Q Were you in a bar in Dayton, Ohio at any time in 2007?

5 A No.

6 Q Were you in Dayton, Ohio at any time in 2007?

7 A No.

8 Q For any purpose?

9 A No.

10 Q How are you so sure of that?

11 A Because I spent a fair amount of time in the field in
12 2005 when I was new as the president of Terminix. I
13 purposely made it out and visited every single one of our
14 regions. And at the time we had somewhere between 40 and
15 45 regions. I made it a point of visiting all the
16 regions during my first year as president. Typically,
17 while I was in the region, I would then visit one or two
18 branches. And I recall visiting Dayton in 2005 as part
19 of a sales kick-off, which means it was probably in
20 spring of 2005. I could have visited Dayton in the early
21 part of 2006, although I don't believe I did. I am
22 confident I did not visit Dayton any time August, 2006 or
23 after because starting about August of 2006 I was
24 consumed with ultimately moving into my new role within
25 ServiceMaster, which was later in '06. So then my visits

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1 were very focused on the TruGreen branches. And then
2 also the company ended up going through a sale process.
3 The ServiceMaster Company ultimately sold to a private
4 equity firm. So what I recall is that in the back part
5 of 2006, and in the rest of 2007 when I was with
6 ServiceMaster, I had very, very limited time to be out in
7 the field. The few trips that I made out to the field I
8 can remember because they were focused on TruGreen
9 branches. Almost all my time was spent in either Memphis
10 or in New York working on what ultimately became the sale
11 to the private equity company.

12 Q So if someone, such as Mr. Rix, alleges that they spoke
13 with you in a bar in Dayton, Ohio in early, 2007, would
14 that be a false allegation?

15 A Yes, that would be a false allegation.

16 Q And if someone, such as Mr. Rix, alleges that while in a
17 bar in Dayton, Ohio you were making statements about
18 Sam Barrow, would that be a false allegation?

19 A Absolutely that would be false.

20 Q Have you ever had a conversation with a person named
21 Angela Hyatt regarding Samuel Barrow?

22 A No, I have not.

23 Q Have you ever met Angela Hyatt?

24 A No.

25 Q And if someone, such as Angela Hyatt, alleges that in

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1 2007, you were making statements about Sam Barrow and his
2 allegations, would that be a false allegation?

3 A Yes, that would be false.

4 Q And if someone, such as Angela Hyatt, alleges that you
5 were making statements about Mr. Barrow to
6 Nathan Caulfield, would that be a false allegation?

7 A Yes, that would be false.

8 Q Have you ever had a conversation with a person named
9 Russell Osborn?

10 A No.

11 Q Have you ever met Russell Osborn?

12 A No.

13 MR. METZGER: Ms. Helmkamp, thank you very much
14 for your time today. I have no further questions.

15

16 EXAMINATION

17 BY MR. TORCHIA:

18 Q Ms. Helmkamp, you have testified before that you had an
19 administrative assistant who reported directly to you,
20 correct?

21 A Yes, that's right.

22 Q And she was the person who was responsible for opening
23 your mail, correct?

24 A Yes, she did.

25 Q And she had discretion to open your mail. And if she saw

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1 that the mail complained a containt (sic) -- contained a
2 complaint, she had discretion to send that back to the
3 branch for resolution, right?

4 A Over time, my assistant learned how I typically asked for
5 resolution on anything that came to me. If it was an
6 employee complaint, then typically I would be giving it
7 to either legal or HR to investigate.

8 Q Okay.

9 A So my assistant, after she learned my habits, could have
10 already given it to legal or HR to look into. But she
11 would have also put a copy on my desk.

12 Q Okay. And if it was a complaint that your assistant
13 believed to be a consumer complaint, she would send that
14 back to the branch for resolution as the first step,
15 right?

16 A If it were a consumer complaint that came to my office,
17 she would typically send it back to the branch initially.
18 Ask them to resolve it. Let us know when and how it was
19 resolved. And then we would follow up with a letter from
20 me.

21 Q Okay. And there was at Terminix a mail system that
22 didn't involve certified mail or U.S. Mail, correct?
23 There was --

24 A There was at least some mail system where we could send
25 material out to the branches. Because I know when we

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1 wanted to get consistent information out to the branches
2 we did have a mail system that went out to the branches.

3 Q Okay.

4 A And it was -- it was more a collection of mail. So it
5 would not have been certified, and I don't believe it was
6 overnight.

7 Q Okay. When you say we, you mean the home office?

8 A The home office, that's right.

9 Q Okay. And by the same token, there was a collection
10 system -- a delivery system from the branches to the home
11 office by the same reverse process?

12 A I believe there was. You should really ask someone who
13 is still at Terminix to describe that.

14 Q And it is -- it is your testimony -- it has been your
15 testimony that none of the letters that Mr. Metzger
16 showed you ever came across your desk or you didn't
17 recognize them, you haven't seen them before.
18 Approximately a year -- a year ago we had your deposition
19 roughly, right?

20 A Yes, that's correct. And I do not recognize the name.
21 I'm confident that those did not come across my desk.

22 Q Okay. Which means either your secretary did something
23 with them or you never saw them or nobody followed up
24 from HR or legal with you about those, correct, if they
25 were received?

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1 A I find it hard to believe that they were received.

2 Because if they were received, they would have also at
3 least had a copy on my desk. And if I had received this
4 many letters from the same person in such a short time
5 period I'm confident I would remember the name.

6 Q Okay. You thought Mr. Barrow may have been a -- when you
7 first heard that there was a lawsuit, you thought he may
8 have been a customer?

9 A Yes. When I first heard that there was a lawsuit, and
10 all it said was Samuel Barrow versus Terminix, I assumed
11 it was probably a customer only because with two million
12 customers and 10,000 associates, we were more likely to
13 hear from a customer than an associate.

14 Q Okay. And the first time that you ever heard from any
15 attorney inside or outside of Terminix about Mr. Barrow
16 was about October of 2008, is that right?

17 A October of 2008 is when I was approached for this to give
18 a deposition. Now, I know in that deposition you
19 referred to a letter that you said you had sent to me
20 when I was at ServiceMaster.

21 Q Right.

22 A And I said, I could have received that. I assume if it
23 was sent that was probably sent through certified mail or
24 something where you could -- could track that.

25 Q And you don't recall what you did with that letter when

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1 you received it?

2 A No. If -- if I received that letter, which I know you
3 described as stating that there would be possible class
4 action -- I know I would have referred it to, again,
5 legal and/or human resources to investigate.

6 Q Okay. But -- are you disputing that you received the
7 letter I sent you in October of 2005?

8 A I'm saying that I don't -- October of 2005?

9 Q Sorry, '6.

10 A October of 2006. I'm saying I don't recall receiving
11 it --

12 Q Okay.

13 A -- but it is quite possible you did. And I assume if you
14 sent it, that you sent it with certified mail or
15 something.

16 Q Okay. But the first time you -- you spoke with any
17 attorney about Mr. Barrow's situation was around October
18 of last year, and that was with Sherry Brooks?

19 A Yes, that's correct.

20 Q Okay. So between October of 2006, at least when -- when
21 my letter was sent, and October of 2008, there was no
22 discussion with you by anybody about this matter?

23 A No, there was not.

24 Q Attorneys at least, is that right?

25 A That's correct.

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1 Q Okay. Now, you, as the president of -- of Terminix and
2 then later ServiceMaster, were not involved in the local
3 -- hiring of local employees, correct, absent other than
4 maybe a branch manager?

5 A That's correct. I was not involved in local hiring. If
6 I was involved at all, it was at a branch manager level,
7 which was typically to review test scores and output when
8 we were getting ready to promote somebody to a branch
9 manager.

10 Q Okay. And you didn't review or collect applications that
11 were sent or -- or left at the local branch offices,
12 right?

13 A No, I did not.

14 Q And it wasn't your job to -- to hire anyone at the local
15 branches at a level lower than, perhaps, branch manager,
16 correct?

17 A That's correct.

18 Q And you don't know what conversations took place between
19 Mr. Barrow and Mr. Venturella about Mr. Barrow's
20 application or potential hire by Terminix, correct?

21 A No, I don't.

22 Q All right -- that is correct?

23 A That is correct.

24 Q All right. And you don't know what Mr. Barrow told
25 Mr. Venturella about his criminal background or history,

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1 do you?

2 A No, I don't.

3 Q And you don't know what Mr. Venturella said to Mr. Barrow
4 about those matters, do you?

5 A No.

6 Q And you don't know what Mr. Venturella said, if anything,
7 to people at a local level about any of those letters
8 that Mr. Metzger showed you, correct?

9 A That's correct.

10 Q You don't know if Mr. Venturella expressed displeasure
11 about the fact that those letters were sent?

12 A I don't know.

13 Q Okay. And to the best of your knowledge, at no time
14 during your tenure at Terminix/ServiceMaster was there
15 ever an investigation of racial discrimination at the
16 Dayton, Ohio branch that was supervised by
17 Mr. Venturella, is that right?

18 MR. METZGER: Objection.

19 A That's correct. I'm not aware of any.

20 MR. TORCHIA: Those are all the questions I
21 have at this time.

22

23 FURTHER EXAMINATION

24 BY MR. METZGER:

25 Q Ms. Helmkamp, you indicated that you would have recalled

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1 receiving the four letters I showed to you that are dated
2 during a ten day period of July 15 through July 25 if
3 they came in. Why are you so confident of that?

4 A As I mentioned, even with my assistant opening the mail,
5 she would have still put a copy on my desk. She probably
6 would have called my attention to the fact that I was
7 receiving four letters in such a short time period from
8 the same person. If she hadn't, I would have noticed it.
9 And I feel strongly I would, therefore, remember the
10 name.

11 MR. TORCHIA: Objection. Move to strike.

12 Q (BY MR. METZGER) And did you, based upon any such
13 alleged letters, indicate that Mr. Barrow should not be
14 hired by the company?

15 A No.

16 Q Did you tell anybody that any action should be taken
17 against Mr. Barrow?

18 A No.

19 MR. METZGER: Thank you. I have no further
20 questions.

21 MR. TORCHIA: Nothing further.

22 THE WITNESS: Okay.

23 THE VIDEOGRAPHER: The time is 2:37 p.m. This
24 concludes the videotaped deposition of Katrina Helmkamp.

25 (The videotaped deposition was concluded at 2:37 p.m.).

CERTIFICATE

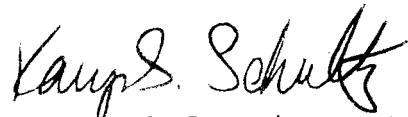
STATE OF MICHIGAN)
) ss
COUNTY OF BERRIEN)

I certify that this transcript, consisting of 25 pages is a complete, true, and correct record of the testimony of KATRINA HELMKAMP held in this case on November 3, 2009.

I also certify that prior to taking this deposition the witness was duly sworn to tell the truth.

I also certify that I am not a relative or employee of or an attorney for a party, or financially interested in the action.

In witness whereof I have hereunto set my hand this 4th day of November, 2009.



Karyn S. Schultz (CSR-4269)
Notary Public in and for
Berrien County, Michigan

My commission expires 10-5-2011

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Katrina Helmkamp

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	V variety (1) 6:25 various (2) 7:11;11:19 vehicle (4) 8:14,25;9:1,8 Venturella (12) 3:7,16;9:15;14:16, 19,21;23:19,25;24:3, 6,10,17 Ventureus (1) 13:25 versus (2) 3:5;21:10 VIDEOGRAPHER (3) 3:3,19;25:23 videotaped (3) 3:4;25:24,25 viewed (1) 8:20 visit (2) 16:17,22 visited (2) 16:13,20 visiting (2) 16:15,18 visits (1) 16:25	year (4) 16:16;20:18,18; 22:18 years (1) 5:10 York (1) 17:10 Young (1) 7:14		

Johnathon Ward
President
ServiceMaster
July 15, 2005

Dear Johnathon Ward:

ServiceMaster is a very dishonest company, along with Terminix!

There is nothing godly about discrimination against minorities and providing bogus service to termite and pest customers, as demonstrated in a multitude of customer concerns that I forwarded to your office and racism in hiring.

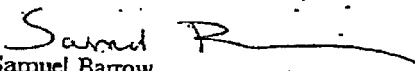
The behavior of Terminix is an outrage and there is no telling how many people will come forward if a class action is filed!

I have seen numerous customers taken advantage of as well as volumes of minority turned away from job opportunities.

Even when Terminix is accepting applications, minorities are told that the company is not hiring, while caucasians are given applications or asked to submit resumes. This is not right in terms of the laws of Federal/State racial discrimination laws.

I was advised that higher management was upset at my speaking up and this may jeopardize my opportunities at Terminix.

Respectfully,


Samuel Barrow

CC: Katrina Helmkamp, President Terminix
Ernest Mrozek, ServiceMaster
James Goetz, ServiceMaster



July 19, 2005

Dear Katrina Helmkamp:

I am concerned by the unethical behavior on the part of Terminix in terms of not only racial discrimination, but also in regard to questionable practices in terms of the service to pest/termite customers. ServiceMaster is parent company and it responsible for the conduct.

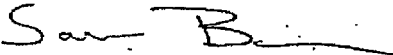
If Terminix does not change the evil course it has taken, the company may face two separate class actions. One for termite and pest customers, the other for minorities that have been the victims of racial discrimination. It is racist to give applications for employment to caucasians.

I have observed Terminix staff throw the applications away of Black applicants, but process those of caucasians. The Federal/State racial discrimination laws do not allow such behavior.

Your company and stockholders should not prosper from poor service and unethical behavior. It is quite obvious that a lot of people have been victimized, and that a large group of individuals have be affected by questionable practices.

Sincerely,

Samuel Barrow



CC: Johnathan Ward; ServiceMaster



July 21, 2005

Dear Katrina Helmkamp and Johnnothan Ward:

ServiceMaster makes over 365 million per year and Terminix makes a large sum as well.

The way to achieve this prosperity would ideally be with excellent service, "not" defrauding customers and engaging in questionable practices!

The combination of racism, along with your evil against customers, is immoral. Regardless, of what job promises Terminix has made to me personally, I cannot allow you to give the shaft to the residents in my state, or any other.

I would not be surprised if one day ServiceMaster/Terminix face litigation for the multitudes that have been impacted over the decades.

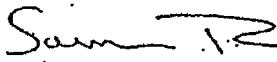
In addition to the EEOC, I am notifying the Attorney General.

Reps brag about talking clients into signing contracts beyond their needs. In addition, clients have to beg for services. Terminix techs also don't do annual inspections and cover-up property damage.

I am notifying the Attorney General about the companies' fraud.

It is unlawful for Terminix to not do annual inspections and conceal damage to customer's homes.

Samuel Barrow



Johnnothan Ward, ServiceMaster



July 25, 2005

Re: Investigation of Racism

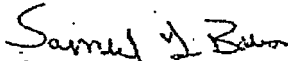
Dear Terminix President Katrina Helmkamp:

There needs to be a national investigation on Racism at Terminix and ServiceMaster.

It is bold and racist to tell potential minority applicants that the company is not hiring; then to turn around and give caucasian applicants the red carpet.

I am giving the company an opportunity prior to speaking to the appropriate officials.

Respectfully,


Samuel Barrow

cc:

Johnaton Ward, ServiceMaster
George Ventureus, Branch Manager

